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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,088	12/02/1999	YUICHIRO NAKAYA	520.37902X00	9448

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EXAMINER

LEE, RICHARD J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/445,088	<b>Applicant(s)</b> NAKAYA, YUICHIRO	
	<b>Examiner</b> Richard Lee	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 53-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53,55,57,59,61,63,65,67 and 69-84 is/are allowed.
- 6) ☒ Claim(s) 56 is/are rejected.
- 7) ☒ Claim(s) 54, 58, 60, 62, 64, 66, 68 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 54, 56, 58, 60, 62, 64, 66, and 68 are objected to because of the following informalities:

(1) claim 54, line 26, before “i + p”, “(“ should be inserted for clarity; and

(2) claim 54, line 26, before “j + q”, “(“ should be deleted for clarity.

Appropriate correction is required.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 56 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Again, the Specification does not provide support for the equations  $uT(x+w)$ ,  $vT(x+w)$ ,  $uB(x+w)$ ,  $vB(x+w)$ ,  $u(x+w, y+w)$ ,  $v(x+w, y+w)$  as claimed in claim 56, lines 9-12, lines 19-20, lines 24-27.

At pages 18-19 of the amendment filed October 27, 2004, the applicant traversed the Examiner's rejection of claim 56 under 35 USC 112, first paragraph as failing to comply with the written description requirement on the grounds that there is adequate support found at page 24, lines 10-23 of the Specification. Applicant further argued that the phrase “in the horizontal direction when the motion vector of a provisional representative point is found” corresponds to the subject matter of claim 55 and the phrase “in the vertical direction when the motion vector of a pixel is found” corresponds to the subject matter recited in claim 56, and therefore the subject

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matter of claim 56 can be easily obtained by replacing the processings (equations) as set for in claim 55. At page 20 of the amendment filed October 27, 2004, the applicant stated that a Sketch is attach which graphically illustrates the features claimed in claims 53-56. Upon further review of the applicant's arguments and the attached Sketch, applicant's arguments are deemed not persuasive and it is still submitted that claim 56 lacks written description support for the following reasons. The passage on page 24 of the Specification as cited by the applicant only teaches that a first order linear interpolation/extrapolation in the horizontal and vertical directions, respectively, may be performed. It is submitted that the derivation of the equations as shown within claim 56 can not be obtained by one skilled in the art in view of such generic teachings. And, contrary to the applicant's arguments, one skilled in the art can not derive the equations in question even by replacing the processings of already disclosed equations of claim 55. The Sketch as provided by the applicant is greatly appreciated, but such teachings would have to be originally disclosed in order to provide adequate support for the claimed equations. Presenting the newly claimed equations, even as a modification of disclosed equations as in the present case clearly introduces new matter. In other words, even though the equations in question may be a modification of already disclosed equations, the equations in question must be originally disclosed and taught in the Specification. The Specification, including the passage cited by the applicant has been thoroughly reviewed but it is still found that there is no adequate support for the claimed equations.

4. Claims 54, 58, 60, 62, 64, 66, and 68 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

5. Claims 53, 55, 57, 59, 61, 63, 65, 67, and 69-84 are allowed.

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6. It is to be noted that though the applicant had indicated at page 17 of the amendment filed October 27, 2004 that claim 54 has been amended to overcome the previous objection, such is not the case. It seems apparent that the applicant had inadvertently provided an open parenthesis (“ before “j + q” in the amended claim 54. Correction is still required (see above paragraph (1)).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

3/29/05

